

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Tony B. Gaskins,

Plaintiff,

Civil Action
No. 05-10858-GAO

v.

Dr. Carl Singletary, et al.,

Defendants.

**AFFIDAVIT OF TONY B. GASKINS IN SUPPORT OF
HIS OPPOSITION TO DEFENDANTS DAVID NOLAN,
LISA MITCHELL, SUSAN MARTIN, STANLEY GALAS
AND CARL SINGLETARY, M.D.'S MOTION FOR
SUMMARY JUDGMENT, AND PLAINTIFF'S CROSS
MOTION FOR SUMMARY JUDGMENT**

I, Tony B. Gaskins, hereby depose and state the following
to be true, that:

1. During the time of the surgery on my right shoulder,
I was housed in 10 Block segregation on awaiting action
status. At the time I was not being punished for anything.
My status was pre-discipline.

2. After surgery on December 8, 2004, I was informed
by Dr. Adrianna Carrillo at the Shattuck Hospital that
the staples will have to be removed from my shoulder in
two weeks and that she will schedule me for a follow up
next month [January].

3. When I returned to the prison, my right shoulder was
heavily bandaged and my right arm was in a sling 24 hours
a day until January 18, 2005.

4. I was placed on Tylenol 3 with Codeine as a pain

killer. For 72 hours I was to take the pill, but I only did it for 24 hours.

5. I was released from the prison hospital on December 9, 2004 and was returned to Cell #47 in 10 Block.

6. The dressing and bandages were changed every day and my wound was cleaned during every dressing change.

7. Because the segregation policy that all out-of-cell movement with prisoners will be conducted in full restraints, the doctors gave me a "no cuff" medical order for my right shoulder.

8. At that time my shoulder was completely immobile. After two weeks, a nurse named "Linda" was cleaning my wound and changing my dressing and informed me that she would take out the staples, and I refused stating that I would prefer a doctor to do it. And my reasons was because it was apparent she did not know what she was doing and I didn't want any more damage to my shoulder.

9. The next day nurse "Michelle" was changing my dressing and informed me that the staples will have to come out or the skin will grow over the staples. I told her I wanted a doctor to do it so nothing would go wrong. She agreed.

10. As we were exiting the Triage in 10 Block, Dr. Carl Singletary appeared and Michelle told him about my problem. He examined my shoulder and gave her the order

to remove the staples. She removed them but an area of the wound opened up and bled a little.

11. I was in constant pain and I was "only" provided with Motrin to quell the pain. The Motrin was ineffective and I was unable to sleep because of the constant excruciating pain. I complained to the medical staff about providing me with better pain medication and they refused.

12. I then complained to David Nolan and Lisa Mitchell about getting me better pain medication to no avail. It was not until my sister, Sindy Hayes, called Lisa Mitchell demanding that I receive the proper medical attention or she would call her State Senator and report what is being done to me.

13. I was unknowingly brought to the Hospital Unit where Lisa Mitchell met me along with a Nurse Practitioner. Mrs. Mitchell explained to me that my sister had called complaining about me not receiving the proper medical attention to my surgically repaired shoulder. The Nurse Practitioner examined me and prescribed for me Ultrams. She said its a stronger dose and it should help me with my pain.

14. When I started taking the Ultram it got me sick where I was literally unable to eat "any" of the meals I was served, and I got dizzy and was nauseated all the time, so I stopped taking them. I asked the nurse making rounds

is there another medication I can take for the pain that won't get me sick? I was told that Ultram was the best they could do. So I endured the pain without taking the medication.

15. I returned to the Shattuck on January 10, 2005 as a follow up and I was seen by Dr. Carrillo. She examined me and told that it was time for me to start my physical therapy. She took me into another room and I was seen by a male physical therapist who gave me a chart for isometric exercises I could do in my cell, and he gave me a theroband.

16. Dr. Carrillo told me that she will schedule me to start attending Physical Therapy sessions to work with weights to build strength and muscle mass. She said the isometric exercises will get the movement in my shoulder but the weights are important because its what will build the muscle mass lost during the surgery. When I returned back to the prison, I had the Theroband in my top pocket. I was being escorted by transportation officers. They were bringing me to the HSU because I had to be cleared by the HSU before I was allowed to return to 10 Block.

17. A Sergeant took the Theroband out of my pocket. And I, along with the transportation officer, tried to explain to him its a medically prescribed exercise band. The Sergeant called the Shift Commander and returned and told me that I couldn't have it.

The Theroband was confiscated on January 10, 2005, not in march as Stanley galas says. I never got the opportunity to use the Theroband.

18. I complained to every medical staff about its confiscation and nobody did anything. I had to do the best I could to get my arm moving without much help and no assistance from Stanley Galas or Carl Singletary, Nolan or Lisa Mitchell. No one took me to the HSU for me to use the Theroband as an alternative. My serious medical needs were completely disregarded.

19. I received an affidavit and a medical order from Dr. Singletary for Albert Ford, Jr., allowing him to use weights in-cell for some hours every day, and Mr. Ford is a level-1 prisoner who is a high security risk. See Affidavit of Albert Ford, Jr., attached as an exhibit.

20. Although all of this was going on, I did not begin Physical Therapy until April, 2005, when the doctors said it should have been sooner because of the potential harm that could result from not receiving physical therapy in time. Everytime I was seen by medical staff, I always complained about the pain I constantly endure.

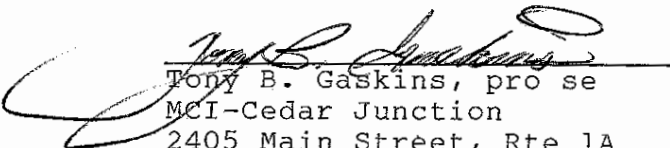
21. My shoulder, to date, continues to pop in and out of socket causing me unbearable pain. And that's due to the muscle tissue not being full developed or "strengthened" because of the length of time from the surgery until my

first physical therapy session. I was supposed to attend physical therapy 2 times a week per order of the doctors. However, I attended physical therapy once every two to three weeks, and one time a month I waited. And because of the long delay in between sessions, did not help me nor improve my conditions or pain.

22. I have more pain and less mobility in my right shoulder after surgery than I did before surgery. My conditions hasn't improved, it has gotten worse.

23. I will testify to these facts in any court of law.

Signed under the pains and penalties of perjury
on this 4th day of November, 2005.



Tony B. Gaskins, pro se
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